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Attorneys for Plaintiff
SONJA ALVAREZ

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

SALVADOR SILVA, DECEASED, by and through)
his Successor in Interest, SONJA ALVAREZ,)
SONJA ALVAREZ, Individually,)

Plaintiff,

vs.

SAN JOAQUIN COUNTY, a public entity; SAN)
JOAQUIN COUNTY SHERIFF-CORONER)
PATRICK WITHROW, in his individual and official)
capacities; ROBERT HART, M.D.; FOZIA NAR,)
L.V.N.; MARY CEDANA, R.N.; SARAI)
HARDWICK, L.V.N.; CYNTHIA BORGES-)
ODELL, MFT; NICHOLE WARREN, P.T.;)
MANUEL RODRIGUEZ-GALAVIZ, MFT;)
MARICEL MAGAOAY, L.V.N.; MANDEEP)
KAUR, R.N.; CHERYL EVANS, A.S.W.;)
CHRISTEL BACKERT, FNP; ROBYN MENDOZA,)
NP, and DOES 1–20; individually, jointly, and)
severally,)

Defendants.

Case No. 2:20-cv-01461-JAM-KJN

**STIPULATION AND ORDER TO
MODIFY SCHEDULING ORDER
(Doc. 10)**

1 All parties, by and through their counsel of record, stipulate and hereby move this Court to
2 modify its November 2, 2020 Scheduling Order (Doc. 10) to extend discovery, pretrial deadlines,
3 and the trial date. Good cause exists to grant the requested extension:
4

5 1. This is a civil rights, wrongful death, and survival action arising from the death of
6 pretrial detainee, Salvador Silva, on August 1, 2019 at the San Joaquin County jail. This is the
7 parties' first request for a continuance, and the parties request this continuance to allow for
8 sufficient time to prepare for trial without the time constraints under the present scheduling order.

9 2. This case involves thirteen named Defendants. The parties have exchanged
10 voluminous written discovery and have so far been able to resolve various discovery disputes by
11 extensively meeting and conferring; however, that process has used up time. The parties have
12 refrained from taking depositions until the remaining documents have been exchanged and
13 discovery matters have been resolved. Once all records have been exchanged and discovery matters
14 resolved, the parties intend to take numerous depositions, including all parties, the County's Persons
15 Most Knowledgeable on various topics, and damages and percipient witnesses.
16

17 3. Based on the complexity of the issues presented, the number of parties, records
18 involved, and anticipated depositions, a significant amount of additional time is needed to allow for
19 the completion of discovery and expert disclosures, to allow the experts time to complete their
20 review of deposition transcripts before writing their reports, and to allow sufficient time for pretrial
21 preparation.
22

23 4. Additionally, Plaintiff's counsel's small law firm has had all but two employees
24 contract COVID-19, which has substantially hampered Plaintiff's counsel ability to expend the
25 necessary time and resources on discovery matters in this case, while completing voluminous
26 discovery in other cases, including *Johnson v. Shasta County*, et al. (E.D. Cal. 2:19-cv-01722-JAM-
27 DB), before this Court.
28

5. While all parties have agreed that the proposed modifications will allow the parties additional time to adequately prepare for trial, the parties are mindful of the overcrowded Eastern District docket, the demands placed on Eastern District judges, and the Court's limited resources, especially during this pandemic. The parties are represented by experienced counsel who will continue to work cooperatively together and in an orderly fashion and believe that they will complete all necessary discovery and pretrial matters with this extension of the deadlines.

6. Having consulted with the Court, and following its guidance about available dates, the parties therefore request a continuance of the deadlines, as follows:

<u>Event</u>	<u>Current Date</u>	<u>New Date</u>
Expert Disclosures	May 27, 2022	January 27, 2023
Rebuttal Expert Disclosures	June 10, 2022	February 10, 2023
Joint Mid-Litigation Statement	July 15, 2022	March 15, 2023
Expert Discovery Cutoff	July 29, 2022	March 29, 2023
Fact Discovery Cutoff	July 29, 2022	March 29, 2023
Dispositive Motion Filing	September 9, 2022	May 9, 2023
Dispositive Motion Hearing	October 18, 2022	July 11, 2023, at 1:30 p.m.
Final Pretrial Conference	December 9, 2022	August 25, 2023, at 10:00 a.m.
Trial	January 23, 2023	October 9, 2023, at 9:00 a.m.

For the foregoing reasons, the parties respectfully request that this Court enter an order extending the briefing schedule in this case as set forth above.

1 Dated: March 16, 2022

HADDAD & SHERWIN LLP

2
3 */s/ Teresa Allen*

4 _____
TERESA ALLEN

Attorneys for Plaintiff

5 Dated: March 16, 2022

BURKE, WILLIAMS & SORENSON, LLP

6
7 */s/ Kyle Anne Piasecki*

8 _____
KYLE ANNE PIASECKI

GREGORY R. AKER

Attorneys for Defendants

ORDER

Based on the parties' stipulation, and with good cause appearing,

IT IS HEREBY ORDERED that the Pretrial Scheduling Order (Doc. No. 10) is modified as follows:

<u>Event</u>	<u>Current Date</u>	<u>New Date</u>
Expert Disclosures due	May 27, 2022	January 27, 2023
Rebuttal Expert Disclosures	June 10, 2022	February 10, 2023
Joint Mid-Litigation Statement	July 15, 2022	March 15, 2023
Expert Discovery Cutoff	July 29, 2022	March 29, 2023
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Final Pretrial Conference	December 9, 2022	August 25, 2023, at 10:00 a.m.
Trial	January 23, 2023	October 9, 2023, at 9:00 a.m.

All other dates set forth in Doc. No. 10 will remain the same.

IT IS SO ORDERED.

Dated: March 16, 2022

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE